

2005 DRAFTING REQUEST

Bill

Received: **01/26/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **lori**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removal of a pupil from a class

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 01/26/2005	csicilia 02/02/2005		_____			
/1			jfrantze 02/02/2005	_____	mbarman 02/02/2005	lnorthro 10/18/2005	

FE Sent For:

<END>

→ Not
Needed

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/?	mlief	1 cjs 2/2 05		Slb 2			

FE Sent For:

<END>

18881

Due 2/2
am.

TO editing 11/25

stat comp ✓
SA old ✓
SA new ✓
X-ref ✓

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 760**

2005 Bill

Slays

LPS:
PWF all
slabs
containing
amended
text

March 10, 2004 - Offered by Representatives OLSEN and POPE-ROBERTS.

INS ANAL

Gen cat

inserts

1 **AN ACT to amend** 118.164 (2), 118.164 (3) (a) (intro.), 118.164 (3) (a) 4., 118.164
2 (3) (b), 120.13 (1) (a) 1., 120.13 (1) (a) 2., 120.13 (1) (a) 3. and 120.13 (1) (a) 4.;
3 and **to create** 118.164 (4) of the statutes; **relating to:** removal of a pupil from
4 class, from any portion of school property, or from a school-sponsored activity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 118.164 (2) of the statutes is amended to read:

6 118.164 (2) Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher
7 may remove a pupil from the teacher's class if the pupil violates the code of classroom
8 conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or
9 exhibits behavior that interferes with the ability of the teacher to teach effectively
10 as specified in the code of classroom conduct. Subject to 20 USC 1415 (k), an
11 individual employed by the school district as a teacher's assistant may remove a
12 pupil from class if the pupil violates the code of classroom conduct adopted under s.

1-5

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1 120.13 (1) (a) is dangerous, unruly, or disruptive; or exhibits behavior that interferes
2 with the ability of the teacher's assistant to perform his or her job effectively. The
3 teacher or teacher's assistant shall send the pupil to the school principal or his or her
4 designee and notify the school principal or his or her designee immediately of the
5 reasons for the removal. In addition, the teacher or teacher's assistant shall provide
6 to the principal or his or her designee within 24 hours after the pupil's removal from
7 the class a written explanation of the reasons for the removal.

8 **SECTION 2.** 118.164 (3) (a) (intro.) of the statutes is amended to read:

9 118.164 (3) (a) (intro.) The school principal or his or her designee shall place
10 the a pupil who has been removed from class under sub. (2) in one of the following:

11 **SECTION 3.** 118.164 (3) (a) 4. of the statutes is amended to read:

12 118.164 (3) (a) 4. The class from which the pupil was removed if, after weighing
13 the interests of the removed pupil, the other pupils in the class and, the teacher, and
14 the teacher's assistant if the teacher's assistant removed the pupil, the school
15 principal or his or her designee determines that readmission to the class is the best
16 or only alternative.

17 **SECTION 4.** 118.164 (3) (b) of the statutes is amended to read:

18 118.164 (3) (b) This subsection does not prohibit the teacher or teacher's
19 assistant who removed the pupil from ~~the~~ class or the school board, school district
20 administrator, school principal, or their designees from disciplining the pupil.

21 **SECTION 5.** 118.164 (4) of the statutes is created to read:

22 118.164 (4) (a) Subject to 20 USC 1415 (k), a school employee may remove a
23 pupil from any portion of school property or from a school-sponsored activity that is
24 supervised by the school employee, other than from a class under sub. (2), if the pupil
25 is dangerous, unruly, or disruptive or exhibits behavior that interferes with the

violates the code of conduct adopted

ability of the school employee to perform his or her job effectively or if there are other grounds for removal, as specified in the code of classroom conduct under s. 120.13 (1)

(a) 2. The school employee may send the pupil to the school principal or his or her designee. As soon as feasible, the school employee shall notify the school principal or his or her designee of the removal and provide the principal or designee with an explanation of the reasons for the removal.

(b) This subsection does not prohibit the school employee who removed the pupil from school property or a school-sponsored activity or the school board, school district administrator, school principal, or their designees from disciplining the pupil.

3-10 → SECTION 6. 120.13 (1) (a) 1. of the statutes is amended to read:

120.13 (1) (a) 1. A specification of what constitutes dangerous, disruptive, or unruly behavior or; behavior that interferes with the ability of the teacher to teach effectively or a teacher's assistant to perform his or her job effectively under s. 118.164 (2); and behavior that interferes with the ability of a school employee to perform his or her job effectively under s. 118.164 (4).

SECTION 7. 120.13 (1) (a) 2. of the statutes is amended to read:

120.13 (1) (a) 2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2) or from school property or a school-sponsored activity under s. 118.164 (4).

SECTION 8. 120.13 (1) (a) 3. of the statutes is amended to read:

120.13 (1) (a) 3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164 (2). (3)

SECTION 9. 120.13 (1) (a) 4. of the statutes is amended to read:

1 120.13 (1) (a) 4. A procedure for notifying the parent or guardian of a minor
2 pupil who has been removed from the class under s. 118.164 (2) or removed from
3 school property or a school-sponsored activity under s. 118.164 (4).

(END)

1-5

⑨

SEC #. AM, 118.164 (title)

⑨

118.164 (title) Removal of pupils from the

ⓑ

PLAIN

ⓑ

~~CLASS~~
ⓑ

Section #. 120.13 (1) (a) (intro.) of the statutes is amended to read:

120.13 (1) (a) (intro.) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' ~~classroom~~ conduct ~~beginning in the 1999-2000 school year~~. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of ~~classroom~~ conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254.

¶ Current law generally allows a teacher to remove a pupil from his or her class if the pupil ~~to~~ violates the code of classroom conduct adopted by the school board; is dangerous, unruly, or disruptive; or exhibits behavior that interferes with the teacher's ability to teach effectively, ^{as specified by} the code of classroom conduct ~~must~~

⑨ This bill extends ^{this} ~~the~~ ability to remove a pupil from a class to ^a teacher's assistant and ^{also} allows a school employee to remove a pupil from school property or from a school-sponsored activity

supervised by that employee. ~~Illustration requires~~

^{Under the bill} The code of classroom conduct ^{must} specify the ^{kinds} of behavior that interfere with the ability of a

teacher's assistant or school employee to perform his or her job ^{effectively}

and that would warrant removal, ~~and~~

~~The bill at~~ The bill also ^{limits} ~~removes~~ the ability of a teacher to remove a pupil to a situation

include the other ~~statutory~~ grounds for
removal, and allow a teacher to remove
a pupil who exhibits behavior that
interferes with the ability of the teacher's
assistant to perform his or ~~her~~^{her} job
effectively.

from school or from a school - ^{high}
sponsored activity. ①

DN

even if a teacher
is present in the
classroom, ~~the~~

Note that ^{under} this bill, ~~would allow~~

a teacher's assistant ~~to~~ may remove a pupil

from ~~the~~ ^(a) class ~~because of behavior~~ if the

pupil exhibits behavior that interferes

with the teacher's ability to perform his or

her job effectively ⁽²⁾ ~~even if the teacher OK?~~

~~is present in the classroom. Some may see~~

this as undermining ~~the~~ the teacher's
authority.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1888/1dn

PG:cjs:jf

February 2, 2005

Note that under this bill, a teacher's assistant may remove a pupil from a class, even if a teacher is present in the classroom, if the pupil exhibits behavior that interferes with the teacher's ability to perform his or her job effectively. OK?

Peter R. Grant
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E-mail: peter.grant@legis.state.wi.us

Northrop, Lori

From: Kolbow, Regina

Sent: Tuesday, October 18, 2005 8:56 AM

To: LRB.Legal

Subject: Draft review: LRB 05-1888/1 Topic: Removal of a pupil from a class

It has been requested by <Kolbow, Regina> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-1888/1 Topic: Removal of a pupil from a class

10/18/2005